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WALKER ON PATENTS. By Albert H. Walker. 4th Edition. New York: Baker, Voorhis & Co. 1904. pp. cviii, 775.

The preface of the first edition of this book was written in 1883; the second edition in 1889; the third edition in 1895. The present edition is now issued to bring the law of this important subject down to the present time. It is interesting at this day to note that the last five lines of the preface to the third edition state that no necessity for another edition of this book was then foreseen, and that the author presented that edition to the bench and to the bar as probably his final contribution on this subject. The enactment of comparatively new statutes, however, and the subsequent modification of the latter and practice, has been a sufficient reason for this new edition; for which, on the whole, the members of the profession should be thankful.

While not so exhaustive as some other works on this subject, this book aims to present, and undoubtedly does present, the law on the subject in a clear and satisfactory manner. The general scheme of subjects and the manner of treatment as exemplified in the preceding editions, is retained in the latest one forming the subject of this review. Additional matter, however, has been inserted where changes of the law or new statutory enactments have made it necessary. Particularly in this respect, is to be noted the addition of four sections on the comparatively new doctrine of contributory infringement, which will prove of value and interest to those in whose practice this question may arise. It would seem, however, as if this subject might have been still further and more exhaustively treated; some sixty-six cases bearing on this question are appended in the footnotes. The new edition omits the forms of pleadings, and the equity rules contained in the second edition, which seems to the writer to be a mistake, since though the forms may be obtainable in other ways, and the same is true of the equity rules, their inclusion in a text book of this character would be a convenience; and in the case of young practitioners of very considerable value.

The new edition, however, contains for the first time a table of federal reports, comprising some sixty different sets, including United States Reports, Federal Reporter, Official Gazette and volumes by various reporters, most or all of which contain decisions in patent cases. It is to be noted in this connection that the valuable set of Brodix's American and English patent cases was not included, this omission, being in the judgment of the writer, unfortunate.

Another change which seems to the writer to be undesirable, is the omission of the United States Revised Statutes relating to patent cases, in the rear of the third edition. The inclusion in such a text book would be of value to the busy practitioner in making it unnecessary for him to consult another book containing these statutes.

The table of cited cases is more complete, there being an additional 623 decisions cited through the volume, and indexed in this table. All but three of the subjects into which the book is divided contain from twelve to fifty additional references.

An examination of the contents of this book shows a number of new sections added, and some omitted; the following resume shows the essential changes.

Section 3 of the second edition is left open to determine the question as to whether processes consisting entirely of mechanical transactions but capable of being "performed by hand or by any of several mechanisms or machines" can be protected by patent. The new edition, however, determines this matter positively in the affirmative, and section 3a of the third edition which considers the then uncertainty of this question and which amplifies the argument, is naturally omitted in the new edition, in view of the now settled condition of the law on this point.

The law and practice as to design patents has recently been changed, to an extent not adequately covered in this book.

Section 104a relates to constructive abandonment of inventions in four new classes of cases, two each in the acts of 1897 and 1903. This subject as treated in this section relates to the laches of the inventor under certain circumstances especially in connection with the application for foreign patents.

Section 129a refers to the necessity of registering in the patent office by those who desire to act as patent attorneys. This question is a new section, the subject matter of which will be quite familiar to patent practitioners.

The latter part of section 141 relating to the question of interference, has been considerably changed and new sections 141a, b, c, and d have been added all of which are of importance and refer to the rights of inventors as affected by foreign applications, laches, &c. Section 141a particularly relates to the question of appeals in interference cases. The author has added 149a as referring to exclusive possession of a right to an invention by means of maintaining secrecy of such and by obtaining patents, and distinguishing such attempts in mechanical questions from those relating to designs, processes and compositions of matter.

Section 152a extends the treatment of the preceding section.

Section 157a and notes, relating to appeals, is new and explains the instances in which appeals may be taken from a final decree of the Court of Appeals of the District of Columbia to the United States Supreme Court, and instances when the Circuit Court of Appeals may certify questions of law to the Supreme Court, and the various rules as to certiorari, &c., &c. Under this section are also a number of new cases.

Sections 164 and 165 are omitted. These sections referred to the duration of American patents in foreign countries provided for in earlier statutes, and nothing is lost by their omission.

New section 177a is of importance and refers to differences between generic and specific claims particularly when the question arises in the patent office. The very recent United States Supreme Court decisions may still further affect the practice in this connection.

New section 184a considers the prior state of other arts as in construing a claim.

New section 191a refers to the question of taxation of property in patents by state authorities and denies the constitutionality of such taxation and affirms the propriety of taxation by the national authorities.

Section 198 has been much changed and refers to the question of disclaimers. This section has been materially amplified.

Section 199 embodies substantially the substance of old section 198.

Section 274a is another new section relating to special tenures and incomplete estates in letters patent, particularly relating to assignments.

Section 276 is amplified and considers the question of failure of consideration for an assignment and the question of restoring the title to the assignor by destruction of the assignment.

Section 288a is new and refers to mortgages of patents.

Sections 302a, 307a and 313a are new sections under "Licenses."

New sections 346a and 370a consider infringements, equivalents, &c.

New section 571a refers to damages in design cases.

Three new sections under "Actions in equity" (585a, 644a and 657a), and two under "Profits" (723a and 734a) complete the list of the most important changes.

On the whole this brings the law and practice down, substantially, to the present day by the addition of new editions and citations, which are merely supplementary to the old and familiar treatment of the earlier editions. It is probably the latest, and therefore in connection with its other advantages, a most desirable work on the subject.

THE POLICE POWER, PUBLIC POLICY AND CONSTITUTIONAL RIGHTS.
By Ernst Freund, Professor of Jurisprudence and Public Law in the University of Chicago. Chicago: Callaghan & Co. 1904. pp. xcii, 581.

The law of the police power, as the author says, is the "growth of the last thirty or forty years and much of it remains unsettled." There are few subject matters and few terms in the law, the exact meaning and content of which have been more subject to dispute. This Professor Freund has fully recognized, but none the less he has faced the difficulty and given us certain lines of distinction and principles of elimination which will greatly aid in clearing away the confusion. The recognition of this confusion has been Professor Freund's safeguard, for he has not attempted to pigeon-hole the law. Rather he has given principles of distinction, only two in number, both of them clear and incisive, which, if they prove fully supportable—and that time must demonstrate—will enable us to rescue each bit of legislation from whatever nook into which it has been thrust and determine its place in or out of the law of the police power. For he says, "From the mass of legislation, in which the nature of the power has been discussed, and its application either conceded or denied, it is possible to evolve at least two main attributes or characteristics which differentiate the police power: it aims directly to secure and promote the public welfare, and it does so by compulsion." But it is only by detailed examination of statutes and decisions, and hardly by general observations, he maintains, that the power can be fully understood and defined. And such examination will reveal the police power "not as a fixed quantity, but as the expression of social, economic and political conditions. As long as these conditions vary, the police power must continue to be elastic, i. e. capable of development."

The work is divided into three parts, first the "Nature and Gen-